

**Maryland Board of Pharmacy
Public Board Meeting
November 19, 2003**

President Stanton G. Ades called the Public Board Meeting to order at 9:20 a.m.

Attendance

Commissioners Present: Stanton G. Ades, President, Mel Rubin, Secretary, Jeanne Furman, Secretary, John Balch, Raymond Love, Wayne Dyke, Ramona McCarthy-Hawkins, Christiaan Blake, Mark Levi, and Donald Yee and Joseph DeMino

Absence Commissioner: Rev. William Johnson, Sr.

Board Counsel: Linda Bethman, Staff Attorney

Board Staff: LaVerne G. Naesea, Executive Director; James Slade, Legislative Officer; Catherine S. Putz, Compliance Officer, Shirley Costley, Fiscal/Personnel, Joan Lawrence, Public Relations, Tamarra Banks, Information and Technology, Deitra Gale, Compliance Specialist and Latonya Dickerson, Board Secretary

Guests Howard Schiff, MPhA, Gilbert Cohen, PEAC, Corey Johnson, Health Care Consulting & Logistics, Kathryn Lavriha, Barr Labs, Jack Freedman, DDC, Murhl Flowers, MPhA/MACDS, Huseyin C. Tunc, Safeway Inc., Robert Chang, Drug Control, and Hynn Chu, UMAB.

Recusals

President Ades asked Board members to indicate if they had any conflicts of interest with agenda items.

Approval of Minutes (10/15/03)

Page 3, Heading Administration by Pharmacists, delete “inoculations ration and replace with “and medication.”

Page 4, Heading Pharmacy Practice Committee – Dr. Ray, should read “Dr. Ray Love”.

Dr. Ray Love moved to accept the November 20, 2003 meeting minutes with corrections. Mrs. Jeanne Furman seconded the motion. The Board passed the motion.

President/Executive Committee Report – Stanton Ades

Pharmacist/Local Health Department Liaison Training

The Maryland Board of Pharmacy held Pharmacist Local Health Department (LHD) Liaison Training on Saturday, November 1, 2003 at the Hilton Columbia. Mr. Donald Lumpkins, Maryland Emergency Management Agency (MEMA), summarized the state

Incident Command System (ICS). Mr. Melvin Rubin, Board Member and Ms. LaVerne Naesea discussed Roles and Responsibilities of the pharmacist liaisons.

The Panel Discussion included Donald Lumpkins, Director, Domestic Preparedness Division, Gail Wowk, Emergency Management Coordinator, Office of the Deputy Secretary for Public Health Services, Percina Curtis Director, Office of Emergency Preparedness and Response, Anne Arundel County Department of Health, William Kelly, SNS Coordinator, Montgomery County Health Department, Barbara Rosvold, Program Supervisor, Homeland Defense, Frederick County Health Department, and Dr. Raymond Love, Board Commissioner, Professor and Vice-Chair Department of Pharmacy Practice and Science, University of Maryland School of Pharmacy. The Task Force received positive feedback regarding the evaluation forms.

Bio-terrorism Task Force – Ray Love

The Bio-terrorism Task Force held a meeting on November 14, 2003. Mr. Ray Love reported that DHMH gave a presentation on the T.R.A.I.N. program that included continuing education, updates, and accessibility to the online communication system.

The suspected outbreak of anthrax in Maryland was discussed at the meeting.

FDA Counterfeit Drug Meeting

Mr. Ades announced that the Board would host a meeting scheduled with FDA on counterfeit drugs on November 25, 2003, in Room 110, at the Maryland Board of Pharmacy.

Error Data Form

The Board discussed the issue of chains not completing the Error Data Form. Linda Bethman made a recommendation that the Board consider attaching a subpoena to the Error Data Form because the form is part of the investigation process. The Board requested the Disciplinary Committee to organize a summit and develop agenda items to include the MBOP and the Chains, addressing items of concern. The Disciplinary Committee will draft a letter inviting the Chains to attend the summit.

Board of Pharmacy Officers & Committees

The new Board Members were assigned to the following Committees:

Joseph DeMino	Licensing Committee Disciplinary Committee
Christiaan Blake	Pharmacy Practice Committee Legislative Committee Long Term Care Technology Committee
Mark Levi	Pharmacy Practice Committee Legislative Committee

The Ms. Latonya Dickerson, Board secretary, will add the expiration date next to the Board Commissioners name on the Board of Pharmacy Officers and Committees document.

Executive Director Report - LaVerne Naesea

Staff Updates

LaVerne Naesea reported that Linda Bethman has been promoted from Staff Attorney to Assistant Attorney General. Ms Bethman will continue her assignment to the Board of Pharmacy.

The Board has one more applicant to interview on November 20, 2003 for the Compliance Investigator position. A decision will be made on which candidate to select by December 15, 2004.

The Board received eleven (11) applications for the Personnel/Procurement Officer position. Once that position is filled, Ms. Costley, current Personnel/Procurement Officer will supervise the Licensing Unit. The Board can not hire a person for the temporary data/entry position due to the State hiring freeze until its waiver request is approved. During the interim, Licensing staff is working overtime since establishment licenses will expire on 12/31/2003.

Pre-Inspection Form Pilot

Melvin Rubin mailed the pre-inspection form to ten (10) pharmacies (5 independent pharmacies and 5 chains) with a request for them to voluntarily complete the form and return to the Board. The Board had received three forms back up to the date of the Board meeting.

NABP District II Meeting

LaVerne Naesea, Catherine Putz, Melvin Rubin, Joseph DeMino, and Jeanne Furman attended the NABP District II Meeting in Richmond, Va. October 19, 2003 – October 24, 2003. Jeanne Furman reported that Boards from different states reviewed state's Board issues. At the meeting there was discussion on upcoming resolutions for the election of NABP Board members. Other topics discussed at the meeting were compounding, technician training, and counterfeit drugs.

Healthcare Workforce Steering Committee (HCWF)

The Governor's HCWF Initiative is underway. Ms. Naesea attended a committee meeting in November to discuss the licensure requirements that military personnel would be required to meet in order to transition their professions into licensed practitioners in non-military positions.

Dinner for Former Board/Staff Members

The Board will hold a Reception/Dinner at the Sheraton Columbia Hotel on November 20, 2003 to honor Board Commissioners and Board Staff, Irving Lottier, Barbara Faltz-

Jackson, Michelle Andoll, Laura Schneider, and Paul Ballard, former Assistant Attorney General.

PEAC Proposal Selection

Approval of the Pharmacist Education and Rehabilitation Contract

The Board has submitted the contract to the Board of Public Works (BPW) for approval. It's is tentatively scheduled to be reviewed by the BPW on December 3, 2003.

Board of Nursing

The Board passed a motion made by Jeanne Furman, seconded by Ray Love for President Stanton Ades to write a letter to the Board of Nursing Chairperson requesting a meeting to discuss administration of vaccines by pharmacists.

Importation/Counterfeit Taskforce

Tamarra Banks reported that the Taskforce is developing a position paper to provide to Secretary Sabatini to explain the MBOP position on importation. LaVerne Naesea informed the Board of the directive received from Secretary Sabatini, that his office should be informed of all requests for statements to the press and that his office would formulate responses. She also informed the members that as previously noted by Mr. Ades, the FDA has requested a meeting with the Board to discuss counterfeit drugs. Ms. Naesea mentioned that Ms. Banks had established the initial contact with the FDA. The meeting is planned to exchange information about what each unit does in performing counterfeit investigations and other issue. President Ades, Jeanne Furman, Mel Rubin, and Ray Love have committed to attending. The meeting is open to any Board members that wish to attend.

PEAC – Gilbert Cohen

PEAC had 30 cases as of November 2003. Gil Cohen stated that the CE program was well attended in October. Presently, PEAC is looking for financial aide for next year.

PEAC is currently interviewing for a Director position.

Regulations/Legislative Officer Report – James Slade

Mr. Slade reported that COMAR 10.34.26, Patient Safety Improvement became effective October 27, 2003. COMAR 10.34.09, Fees was revised and COMAR 10.34.30 Name Change – Pharmacy and Distribution Permits Holders was adopted. Both sets regulations became effective November 10, 2003. The Drug Therapy Management Regulations will most likely be published December 1, 2003 and become effective December 11, 2003.

Pharmacy Practice Committee- Dr. Ray Love

The Pharmacy Practice Committee met on November 6, 2003. The committee revised the October 22, 2003 version of the developing Pharmaceutical Services to Residents in Long-Term Care Facilities regulations, COMAR 10.34.23. Dr. Love reported that the

Long Term Care Committee suggested minor changes to the regulations at their meeting the evening before the November Public Board meeting. The Board members were asked to review the regulations. Final changes to the regulations will be made at the Pharmacy Practice Committee meeting on December 3, 2003. The Pharmacy Practice Committee will provide the final draft at the Public Board Meeting December 17, 2003.

The Committee is presently reviewing changes in the law to ensure that the Board's patient safety brochures reflect those changes.

The Practice Committee discussed newsletter articles. John Balch will write an article on the progress of the Long-Term Care Committee. Jim Slade will write articles concerning HB 684 and any regulatory changes since the last newsletter.

The committee discussed the issue of importing medications from foreign countries.

Licensing Committee- Wayne Dyke

Wayne Dyke reported that in October 2003 the following people were licensed by reciprocity. They were:

Joel Smith
Kristi Dirocco
Brian Kotansky
Patricia Bonner
Matthew Bazel
Die Blaise
Elizabeth Weekes
Jennifer Kantrow
Picton Evans
Chanel Agness
Kay Stablein
Joshua Delp

The Online Renewal Systems became officially operational November 7, 2003. Eighteen (18) pharmacists completed their renewal online; twenty-one (21) online renewals are in process. One hundred and thirteen (113) pharmacists whose license expire the end of November are eligible to renew their licenses on-line.

The Board continues to work with the Treasury Office to implement the usage of electronic checks.

Taxes

Tamarra Banks reported that the Comptroller's Office reported to the Board that two establishments did not pay their taxes. The Comptroller's office was mistaken. The federal identification number and the names of the establishments did not match.

Review and Approval Process for Distributors

Presently, the Board is reviewing distributors applications to ensure that zoning is appropriate. The applications will ask if zoning is appropriate when the distributor works out of a home rather than in a fully commercial area.

Licensing Regulations

Board Action

Mark Levi moved to rescind the decision noted in the March 19, 2003 Public Board Meeting that stated that “The Board passed a motion that they would no longer require an applicant for licensure who claims to have been certified through the FPGEC procedure to send the original certificate to the Board to prove eligibility. Since NABP takes up to several months to issue the certificate, the Board will contact NABP to verify that the candidate has completed all FPGEC requirements and accept that as proof of passing all portions of FPGEC”. Don Yee seconded the motion. The Board passed the motion.

Public Session closed

The Public Session was closed at 11:20a.m. for a license hearing on motion of Jeanne Furman seconded by Joseph DeMino and passed by the Board.

Public Session re-opened

Jeanne Furman moved to reopen the Public Session re-opened at 12:10 p.m. Don Yee seconded the motion. The Board passed the motion.

Valentine Nowak Reinstatement Hearing

Board Action

The Board passed a motion that Valentine Nowak’s license will be reinstated and placed on immediate probation subject to the following conditions:

- (1) Enter into a PEAC contract for three years;
- (2) PEAC shall submit quarterly progress reports;
- (3) May practice only in a pharmacy in which another pharmacist will be present at least 75% of the time;
- (4) May not be on-call to work overtime;
- (5) May not practice more than 40 hours per week;
- (6) May only practice in one pharmacy, cannot be a floater;
- (7) Must notify the Board of any change in pharmacy employment;
- (8) Must notify pharmacy employer of the Consent Order and have the employer send verification of such notice to the Board;
- (9) Must continue in therapy;
- (10) Must provide quarterly therapist reports to the Board. Mr. Nowak can petition for modification of the probationary conditions after one year and may petition for release from probation after three years.

Public Relations- Joan Lawrence

Newsletter

The Board agreed that Committee Task Force Chairs would submit newsletter articles to the Editor, who in turn will forward them to Joan Lawrence for printing. It was reported at the meeting that Jeanne Furman, editor, and Melvin Rubin assigned articles to each Committee chair for the upcoming newsletter.

Post Office Anthrax Scare

Joan Lawrence reported that on November 7, 2003 the Board received a call from DHMH reporting a possible outbreak of anthrax in Maryland generated from the Navy Yard Postal Facility. The Board immediately put the liaisons for Prince Georges and Montgomery counties and several additional volunteers on alert.

The Board participated in a conference call to discuss the needed medications (Cipro or Doxycycline). Treatment centers were identified. At each stage the liaisons and volunteers were contacted with updates. The suspected products were determined to be negative for harmful pathogens and the alert was called off several hours after the conference call.

NCPIE Conference

Joan Lawrence will be attending Be MedWise: A Prescription for Patient Safety, 14th National Conference and Exhibits Showcase on Medicine Information and Education, December 8-9, 2003, at the Marriott at Metro Center, Washington, D.C.

FlowerMart

Joan Lawrence reported that the Flower Mart would be held May 12, 2004 and asked the Board to consider participating along with the Pharmacy Coalition.

Board Action

The Board passed a motion to participate in the Flower Mart and purchase two booths. Each booth is \$150.

Council of Boards Report

Board Member Training

Mark Levi and Joseph A. DeMino will be attending the New Board Member Training on December 5, 2003 from 8:00 a.m. to 4:00 p.m. at the University of Maryland Baltimore County Technology Center. All new Board members are expected to attend, all other Board members are requested to attend.

Disciplinary

Linda Bethman sent Senator Paula C. Hollinger a letter explaining the Board's position on COMAR 10.34.01, Disciplinary Proceedings, in response to the inquiry submitted to

Mrs. Hollinger by Judge Fader, dated October 20, 2003. The Board awaits a response from Senator Hollinger.

International Taskforce

The Board's Taskforce on International Importation of Drugs will prepare a statement describing the Board of Pharmacy's position. Tamarra Banks will email Board members to edit and then will forward it to the Department of Health and Mental Hygiene (DHMH) for Secretary Nelson Sabatini's review.

Meeting adjourned at 12:31 p.m.